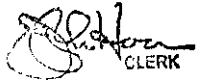


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
FEB 06 2007

CLERK

JUDITH D. McKULSKY,

Plaintiff,

vs.

BEVERLY ENTERPRISES, INC., d/b/a
Beverly Healthcare Systems; and
UNUMPROVIDENT CORPORATION,
d/b/a UNUM Life Insurance Company
of America,

Defendants.

CIV 06-4141

ORDER OF DISMISSAL

The Court has been advised that the case has been settled. Accordingly,

IT IS ORDERED that this action is hereby dismissed without costs and with prejudice, each party to pay their own costs. Any party, on good cause shown on or before March 5, 2007, may move to vacate this Order of Dismissal and reopen this action if settlement is not consummated.

Dated this 6th day of February, 2007.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Sherry Margulis
DEPUTY